

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL NAIL CORP.,

Plaintiff/Counter-Defendant,

-vs-

Case No. 05-0061
Hon: AVERN COHN

B-KAP ENTERPRISES, INC.,

Defendants/Counter-Plaintiff.

ORDER GRANTING MOTION TO ADD PARTY DEFENDANT

This is a patent case. Plaintiff has filed a motion to add Allan Omli as a party defendant on the grounds that he is the principle corporate officer of defendant, and that there is a likelihood that the defendant is verging on insolvency, and will be unable to satisfy a judgment should plaintiff prove infringement and is awarded damages.

Defendant opposes the motion on the grounds that the plaintiff's papers do not support the addition of Mr. Omli as a defendant, and that plaintiff did not move to amend the complaint. Additionally, defendant asserts Mr. Omli is not subject to the personal jurisdiction of the Court.

The motion is GRANTED. Plaintiff shall file an amended complaint within ten (10) days setting forth its claim against Mr. Omli. Once the amended complaint is filed and Mr. Omli served, the Court will entertain a motion to dismiss.

In the interests of orderly procedure, the role of Mr. Omli and the claim of plaintiff can best be threshed out in the context of a motion to dismiss.

SO ORDERED.

s/ Avern Cohn

AVERN COHN

UNITED STATES DISTRICT JUDGE

Dated: May 09, 2006